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OFFICE OF THE ATTORNEY GENERAL  
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# Press Release

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***FOR IMMEDIATE RELEASE***

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**Attorney General Darrell McGraw Successfully Stops New York Sewage Sludge from Being Transported to West Virginia**

The West Virginia Environmental Quality Board ordered by June 15, 2007, that Mascaro & Sons, a Pennsylvania solid waste company, remove sewage sludge that the company transported from New York to Wetzel County. The Board prohibited the company from bringing in additional sludge.

The decision was the last in a series of battles that have raged for more than 13 years between Mascaro and the Attorney General over Mascaro's efforts to bring thousands of tons of sewage sludge to his Brooke and Wetzel County landfills, where it was "composted." The local solid waste authorities, who are represented by the Attorney General, have complained for years that Mascaro's sewage sludge facilities were a blight on their communities. The Attorney General brought legal proceedings and proved that the permits issued to Mascaro by the Department of Environmental Protection were unlawful because Mascaro's facilities had never received the required approvals from the local county solid waste authorities and the Public Service Commission. Occasional efforts by State agencies to curb Mascaro's unwelcome activities were sometimes thwarted by high level politicians acting on Mascaro's behalf.

In November of 2000, the Attorney General obtained a Court Order permanently closing Mascaro's Brooke County sewage sludge facility, due to the unspeakable stench it produced. Mascaro then moved his operations to Wetzel County. The Public Service Commission ruled that the Wetzel County operation was unlawful, but refused to issue an order requiring the facility to cease operating. The Attorney General consequently sued the Public Service Commission in the Supreme Court of Appeals, which, in June of 2006, ordered the facility shut down.

Mascaro then complained to the Environmental Quality Board that the Public Service Commission and the Supreme Court of Appeals were wrong, and argued that the permits issued to Mascaro by the Department of Environmental Protection were valid. The Environmental Quality Board disagreed, holding that it was bound by the previous decisions.

The legal battles between Mascaro and the Attorney General included at least three lawsuits filed by Mascaro in federal Court; proceedings in the circuit courts of Kanawha, Wetzel, and Brooke counties; and three Public Service Commission cases. Although Mascaro eventually lost all these battles, he managed to keep operating in Wetzel County while he pursued his appeals. Only after he lost those appeals was his Wetzel County facility finally shut down.

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